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The scope and application of the principle of universal jurisdiction

Report of the Sixth Committee

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I. Introduction

1. The item entitled "The scope and application of the principle of universal jurisdiction" was included in the provisional agenda of the seventy-third session of the General Assembly pursuant to Assembly resolution 72/120 of 7 December 2017.

2. At its 3rd plenary meeting, on 21 September 2018, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 10th to 12th, 33rd and 35th meetings, from 9 to 11 October and on 5 and 13 November 2018. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

4. For its consideration of the item, the Committee had before it the reports of the Secretary-General submitted to the General Assembly at its sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second and seventy-third sessions (A/65/181, A/66/93, A/66/93/Add.1, A/67/116, A/68/113, A/69/174, A/70/125, A/71/111, A/72/112, A/73/123 and A/73/123/Add.1).

5. At its 1st meeting, on 3 October, the Committee established a working group pursuant to General Assembly resolution 72/120 to continue to undertake a thorough discussion of the scope and application of the principle of universal jurisdiction. In its resolution 72/120, the Assembly decided that the Working Group should be open to all Member States and that relevant observers to the Assembly would be invited to participate in its work. The Working Group held two meetings, on 11 and 17 October.

[1] A/C.6/73/SR.10, A/C.6/73/SR.11, A/C.6/73/SR.12, A/C.6/73/SR.33 and A/C.6/73/SR.35.

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6. At its 33rd meeting, on 5 November, the Committee heard and took note of the oral report of the Chair of the Working Group.

II. Consideration of draft resolution A/C.6/73/L.16

7. At the 35th meeting, on 13 November, the representative of the Gambia, on behalf of the Bureau, introduced a draft resolution entitled "The scope and application of the principle of universal jurisdiction" (A/C.6/73/L.16).

8. At the same meeting the Committee adopted draft resolution A/C.6/73/L.16 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The scope and application of the principle of universal jurisdiction

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations, to international law and to an international order based on the rule of law, which is essential for peaceful coexistence and cooperation among States,

Recalling its resolutions 64/117 of 16 December 2009, 65/33 of 6 December 2010, 66/103 of 9 December 2011, 67/98 of 14 December 2012, 68/117 of 16 December 2013, 69/124 of 10 December 2014, 70/119 of 14 December 2015, 71/149 of 13 December 2016 and 72/120 of 7 December 2017,

Taking into account the comments and observations of Governments and observers and the discussions held in the Sixth Committee at the sixty-fourth to seventy-third sessions of the General Assembly on the scope and application of universal jurisdiction,[1]

Noting the constructive dialogue in the Sixth Committee, including in the context of its working group, recognizing the diversity of views expressed by States, including concerns expressed in relation to the abuse or misuse of the principle of universal jurisdiction, and acknowledging, in order to make progress, the need for continuing discussions on the scope and application of the principle of universal jurisdiction in the Sixth Committee,

Reiterating its commitment to fighting impunity, and noting the views expressed by States that the legitimacy and credibility of the use of universal jurisdiction are best ensured by its responsible and judicious application consistent with international law,

1. *Takes note with appreciation* of the report of the Secretary-General prepared on the basis of comments and observations of Governments and relevant observers;[2]

2. *Decides* that the Sixth Committee shall continue its consideration of the scope and application of universal jurisdiction, without prejudice to the consideration of this topic and related issues in other forums of the United Nations, and for this purpose decides to establish, at its seventy-fourth session, a working group of the Sixth Committee to continue to undertake a thorough discussion of the scope and application of universal jurisdiction;

3. *Invites* Member States and relevant observers to the General Assembly, as appropriate, to submit, before 26 April 2019, information and observations on the

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[1] See A/C.6/64/SR.12, A/C.6/64/SR.13, A/C.6/64/SR.25 and A/C.6/64/SR.1–28/Corrigendum; A/C.6/65/SR.10, A/C.6/65/SR.11, A/C.6/65/SR.12, A/C.6/65/SR.27 and A/C.6/65/SR.28; A/C.6/66/SR.12, A/C.6/66/SR.13, A/C.6/66/SR.17 and A/C.6/66/SR.29; A/C.6/67/SR.12, A/C.6/67/SR.13, A/C.6/67/SR.24 and A/C.6/67/SR.25; A/C.6/68/SR.12, A/C.6/68/SR.13, A/C.6/68/SR.14 and A/C.6/68/SR.23; A/C.6/69/SR.11, A/C.6/69/SR.12 and A/C.6/69/SR.28; A/C.6/70/SR.12, A/C.6/70/SR.13 and A/C.6/70/SR.27; A/C.6/71/SR.13, A/C.6/71/SR.14, A/C.6/71/SR.15 and A/C.6/71/SR.31; A/C.6/72/SR.13, A/C.6/72/SR.14 and A/C.6/72/SR.28; and A/C.6/73/SR.10, A/C.6/73/SR.11, A/C.6/73/SR.12 and A/C.6/73/SR.33.

[2] A/73/123 and A/73/123/Add.1; see also A/65/181, A/66/93, A/66/93/Add.1, A/67/116, A/68/113, A/69/174, A/70/125, A/71/111 and A/72/112.

scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and on their national legal rules and judicial practice, and requests the Secretary-General to prepare and submit to the Assembly at its seventy-fourth session a report based on such information and observations;

4. *Decides* that the working group shall be open to all Member States and that relevant observers will be invited to participate in the work of the working group;

5. *Also decides* to include in the provisional agenda of its seventy-fourth session the item entitled "The scope and application of the principle of universal jurisdiction".